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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,620	12/27/2001	James W. Overbeck	3319.3 (02US2)	9519

33743 7590 10/24/2006

CHIEF INTELLECTUAL PATENT COUNSEL  
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EXAMINER

NGUYEN, THONG Q

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/034,620	OVERBECK, JAMES W.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thong Q. Nguyen	2872	

All participants (applicant, applicant's representative, PTO personnel):

(1) Thong Q. Nguyen. (3) \_\_\_\_\_.

(2) Ivan D. Zitkovsky. (4) \_\_\_\_\_.

Date of Interview: 20 October 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 62 and 72.

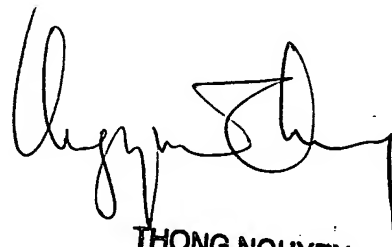
Identification of prior art discussed: U.S. Patent Nos. 5,241,364 and 5,578,818.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



**THONG NGUYEN  
PRIMARY EXAMINER**

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

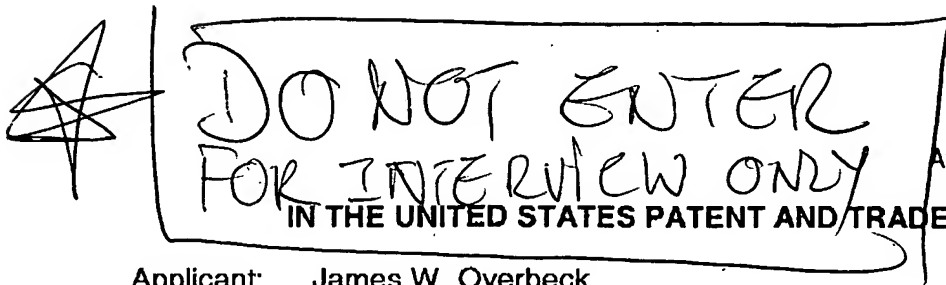
- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: In the Interview, applicant has proposed an amendment in which applicant has made amendments to the claims 62 and 72 to make the device claimed differ from the teachings provided in each of the mentioned Patents. After review the device as claimed in the proposed amendment which a copy is attached with the Examiner's interview record, the Examiner has agreed that the claims as amended are different from the art of record. The examiner has stated that the claims as amended are also overcome the double patenting rejections based on the art of record. However, the proposed amendment will not be entered because it raises new issues to the claims which claims were under a final rejection mailed to applicant on 5/25/06..



Attorney Docket: 3319.3A (02US2)

Applicant: James W. Overbeck  
Serial No: 10/034,620  
Filed: December 27, 2001  
For: WIDE FIELD OF VIEW AND HIGH SPEED SCANNING MICROSCOPY

Examiner: T.Q. Nguyen  
Art Unit: 2872

### INDEPENDENT CLAIMS AS INTERVIEWED ON OCT. 20, 2006

Claims 1 – 61 cancelled prior to examination

62. (currently amended) A wide field of view scanner, comprising:

a scanning assembly constructed to receive a light excitation beam emitted from a light source and provide said excitation beam in a scanning motion to an examined surface;

an objective lens associated with and displaced by said scanning assembly arranged to provide an optical path from said light source to the examined surface and from the examined surface fluorescent light, excited in response to said excitation beam, to a light detector; said displaced objective lens and said scanning assembly providing said optical path having substantially constant length defined by at least two mirrors and extending partially over an axis of the scanning motion after emission from said light source prior to reaching said objective lens;

a focusing mechanism constructed to focus light provided by said objective lens with respect to the surface being scanned;

a translation system constructed to produce movement of the examined surface;  
and

a data collection control and processing unit arranged to collect data during the scanning motion and process the collected data.

Applicant: James W. Overbeck  
Serial No: 10/034,620

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72. (currently amended) A wide field of view scanner, comprising:  
a scanning assembly including an oscillating support structure constructed to support and displace a micro-objective lens in a scanning motion, said oscillating support structure providing a constant optical path **defined by several mirrors supported by said scanning assembly**;

a driver constructed to displace said support structure in an oscillating motion;  
a position transducer associated with said scanning assembly and constructed to provide a position signal corresponding to a position of said micro-objective lens during said scanning motion;

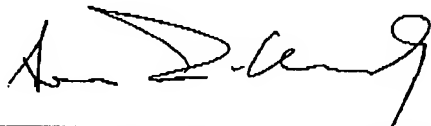
a light source constructed to emit excitation light directed to an object including biological material;

an optical detector constructed to detect fluorescent light excited in response to said excitation light from said object;

a translation system constructed to produce movement of the object; and

a data collection control and processing unit constructed and arranged to receive position signal from said position transducer and optical data from said optical detector.

Respectfully submitted,



Oct 20, 2006

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**FACSIMILE COVER SHEET**

**DATE:** October 20, 2006

**Number of Pages:**  
(including Cover Sheet)

**To:** Examiner T.Q. Nguyen  
U.S. Patent and Trademark Office  
Art Unit 2872

**Phone Number:** 571-272-2316

**Fax Number:** 571-273-2316

**RE:** Applicant: James W. Overbeck  
Serial No: 10/034,620  
Filed: December 27, 2001  
WIDE FIELD OF VIEW AND HIGH SPEED SCANNING MICROSCOPY

Examiner Nguyen:

Thank you for the telephone interview we had few minutes ago. As we discussed, I am enclosing the amended independent claims, which now overcome all outstanding rejections.

I realize, as you mentioned, that this amendment requires a new search and, due to the finality of the office action, we'll need to file an RCE with our response.

Please call me if you have any questions or comments. Thank you very much for your time.

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the enclosed total of **3** pages including a cover sheet is being facsimile transmitted to the fax number shown above, in the above-referenced application, to the Patent and Trademark Office on the date shown below.

Typed or Printed Name of Person: Ivan D. Zitkovsky, Reg. No. 37,482

Date: Oct 20, 2006

Signing Certification

